

Docket No.: 08204/0203163-US0

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kim F. Storm

Application No.: 09/826,266 Confirmation No.: 7388

Filed: April 3, 2001 Art Unit: 2154

For: METHOD FOR CONFIGURING A Examiner: H. N. Patel

NETWORK ELEMENT HAVING AN UNKNOWN PROTOCOL ADDRESS

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 13, 2004, applicant hereby provisionally elects Group III as embodied by Claims 12-18, for continued examination, with traverse.

The Examiner has required restriction between three groups as follows:

- I. Claims 1-5 and 19-21, drawn to "broadcasting a message including frames to several devices with setting hardware / IP addresses to all addresses on a physical subnet by identifying an unused address and iteratively querying addresses", classified in class 709, subclass 223.
- II. Claims 6-11 and 24-29, drawn to "receiving messages frames and directing them to a specific port of the device, enabling receipt of the frame directed

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to the specific port on a local port of the device, and disabling receipt on the local port at a specific instance", classified in class 709, subclass 238.

III. Claims 12-18, drawn to "a system having a network element including a direct access module that is disabled at a particular time after power up, use of an external port, use of an internal port where the direct access module is only enabled, and use of an un-configured management node", classified in class 719, subclass 220.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. In particular, the claims of Group I are directed to a method that is substantially performed by the management node of the claimed system of Group III. Also, the claims of Group II are directed to a somewhat similar method that is substantially performed by a network element of the claimed system for Group III. Clearly, all of the claims of the pending patent application are directed to one invention, not three.

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However, in the interest of furthering the prosecution of this application, Claims 12-18 are provisionally elected and Claims 1-11, and 19-29 are withdrawn from further prosecution at this time. Additionally, if any further questions remain, please do not hesitate to contact Applicant's attorney based on the contact information listed below.

Dated: March 3, 2006

Respectfully submitted

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